

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOTICE OF MOTION

FRANK R. PARLATO, JR. et al

Defendant.

Case No.: 15-cr-149(RJA)

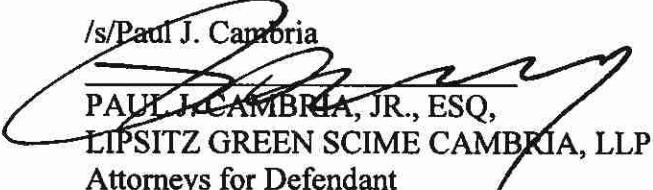
S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Paul J. Cambria, Jr., the undersigned move this Court for an Order adjourning the trial currently scheduled for June 8, 2021 to a date after counsel has completed a trial in the District of Arizona for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may seem just and proper.

DATED: Buffalo, New York
April 13, 2021

Respectfully submitted,

/s/Paul J. Cambria


PAUL J. CAMBRIA, JR., ESQ.,
LIPSITZ GREEN SCIME CAMBRIA, LLP
Attorneys for Defendant
FRANK PARLATO
42 Delaware Avenue
Buffalo, New York 14202
(716) 849-1333
pcambria@lglaw.com
hgreenman@lglaw.com
jginter@lglaw.com

TO: MICHAEL DIGIACOMO, ESQ.
CHARLES M. KRULY, ESQ.,
ASSISTANT UNITED STATES ATTORNEYS
138 Delaware Avenue
Buffalo, New York 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AFFIDAVIT

Case No.: 15-cr-149(RJA)

FRANK PARLATO, JR., et al

Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE)ss
CITY OF BUFFALO)

PAUL J. CAMBRIA, JR. being duly sworn, depose and say:

- 1) On July 28, 2020, Senior United States District Judge Richard J. Arcara scheduled Mr. Parlato's trial to commence on June 8, 2021. Jury selection is scheduled to begin on that date and trial is scheduled to commence the day after the jury is selected.
- 2) As counsel has indicated to the court previously, I am lead counsel for defendant Michael G. Lacey on a case currently pending in the District of Arizona. That matter has been scheduled from time to time but adjourned for various reasons including the Covid-19 pandemic. The case is titled United States v. Lacey, et al under docket number 18-cr-422.
- 3) Recently, in that case, there are a total of 6 defendants all but Lacey with multiple trial attorneys.
- 4) Counsel had previously requested that the start of the trial in the District of Arizona commence sometime in September, 2021. It was my belief that I would be able to assist Mr. Greenman, Mr. Parlato's attorney as scheduled and then move on to try the case in Arizona.

However, the trial court scheduled the trial date to begin on August 23, 2021 instead of the September date requested.

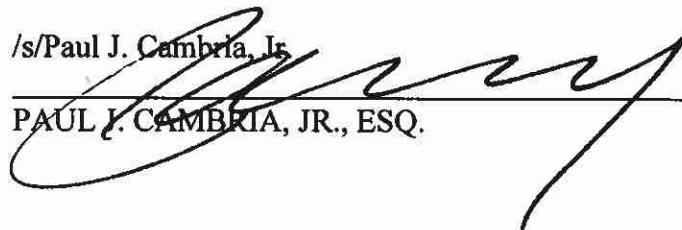
5) That schedule will not leave me enough time to complete Mr. Parlato's trial and prepare for the next trial which has 11 million discovery documents. I am unable, therefore, to assist Mr. Greenman in Mr. Parlato's trial on June 8, 2021 and I am respectfully requesting that the Court adjourn Mr. Parlato's trial until sometime in late 2021 or early 2022 so that I can. As indicated, I requested Mr. Lacey's trial to begin in mid-September. The court scheduled trial to begin, however, in August. The Court has also scheduled a pretrial conference for June 8th and July 15th.

6) Mr. Parlato has advised me that he is willing to waive further speedy trial time and that the speedy trial time will be excluded through the time of the next scheduled date for trial.

7) Assistant United States Attorneys Michael DiGiacomo and Charles Kruly have advised that they object to a further adjournment of this trial.

8) I believe that it is necessary for me to properly assist Mr. Greenman and represent both clients and that the Court adjourn Mr. Parlato's trial until the proposed date set forth above. Covid circumstances have made it difficult to schedule matters.

9) Therefore, for those reasons, I am respectfully requesting that the Court issue an Order accordingly.

/s/Paul J. Cambria, Jr.

PAUL J. CAMBRIA, JR., ESQ.

Subscribed and sworn to before me this
13th day of April, 2021

/s/Elizabeth M. Jagord-Ward

Notary Public State of New York,
Qualified in Erie County
My Commission Expires October 31, 2022